

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

September 26, 2008

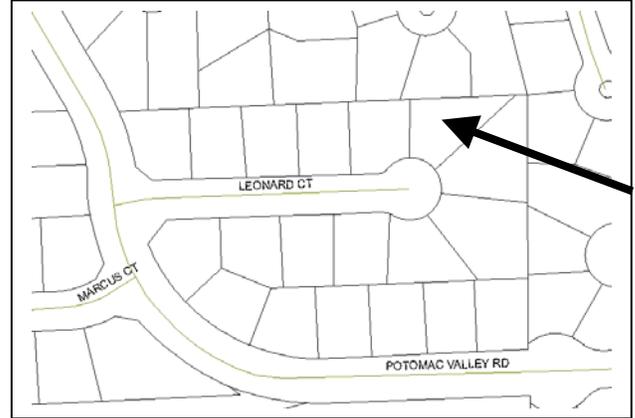
SUBJECT:

Variance Application APP2009-00898

Applicant: Betty Creamer
8 Leonard Court
Rockville, Maryland 20850

Property Location: 8 Leonard Court

Board of Appeals Public Hearing Date: October 4, 2008



REQUEST:

The applicant seeks a ten-foot variance from the rear yard setback requirement in order to construct a sunroom onto the back of the house.

STAFF RECOMMENDATION:

Staff recommends approval of a reduced sunroom that would only require a six foot variance from the rear yard setback requirement, subject to the following:

1. That the sunroom be constructed in substantial conformance with the submitted plans and with materials compatible with the existing home; and
2. The applicant must submit an Affidavit of Posting certifying that the public hearing sign has been posted on the property in accordance with City requirements.

ANALYSIS:

Project Proposal

The applicant proposes to construct an attached sunroom onto the back of the house. It is proposed to be sixteen feet wide by sixteen feet deep.

Property Description and Background

The property is located in the Markwood subdivision, where it is zoned R-90, One-Family Detached, Restricted Residential Zone. The 10,184 square foot pie-shaped lot fronts on Leonard Court and backs up to properties on Bracknell Circle, within the New Mark Commons neighborhood. There are minor variations in the grade of the yard but the property is relatively flat from the front to the back yard as well as from side to side.

Requested Variance

A twenty-five foot rear yard setback is required in the R-90 Zone. The sunroom is proposed to come to within fifteen feet of the rear property line, requiring a variance of ten feet.

Applicable Sections of the Zoning Ordinance

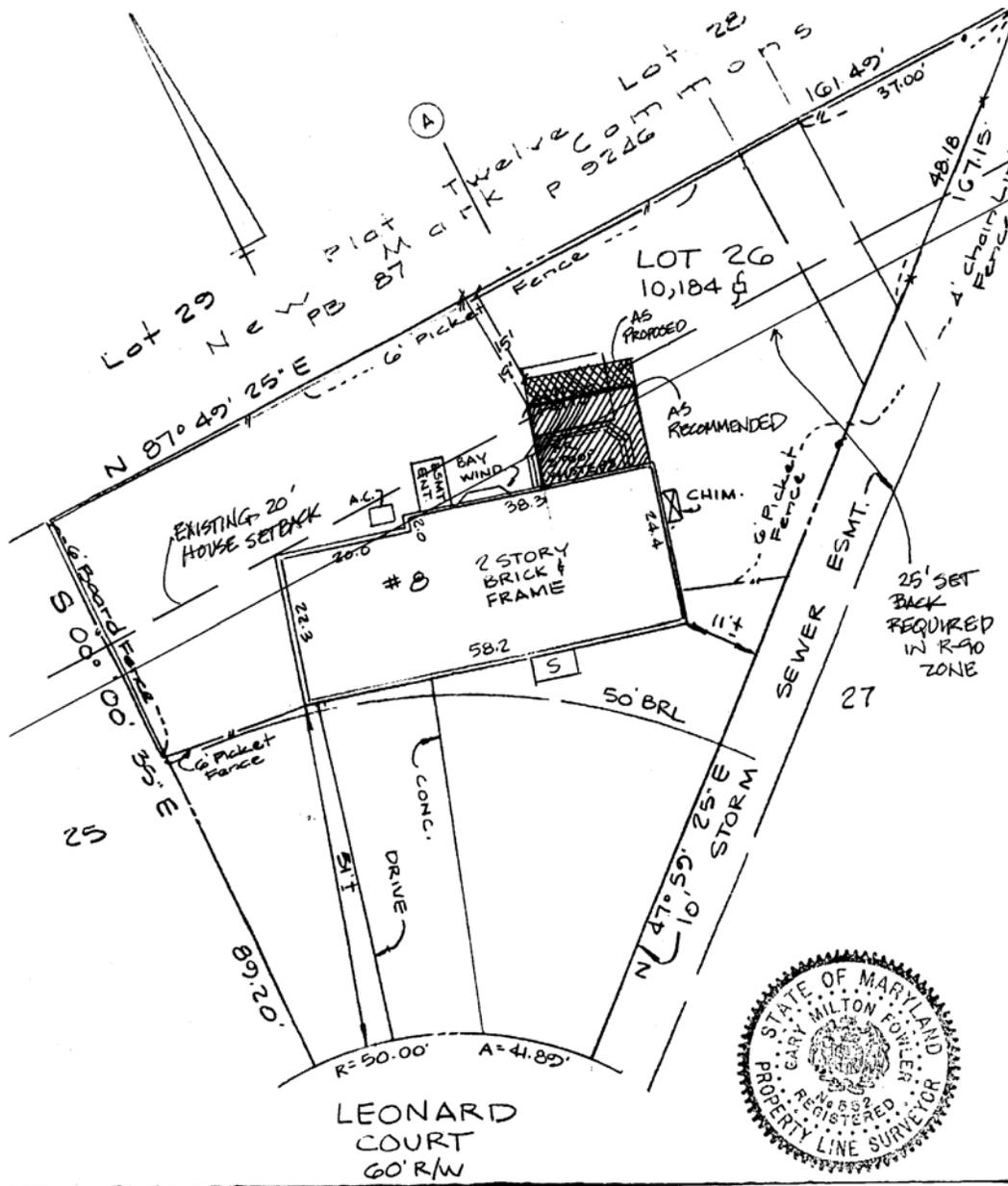
Section 25-1 defines variance as a modification only of the density, bulk or area requirements, where such modification will not be contrary to the public interest and, owing to conditions unique to the property and not the result of any action taken by the applicant, of which literal enforcement of the ordinance would result in practical difficulty.

Staff Analysis and Recommendation

The following are the findings that must be made in order for the Board to approve a variance as well as staff's observations.

1. **The variance as requested would not be contrary to the public interest.** The house and the rear property line are not parallel. The angle is fairly severe and represents a four-foot difference in the amount of encroachment from one side of the sixteen-foot span to the other. The west side of the sunroom is proposed to encroach ten feet into the twenty-five foot rear yard setback, with the east side encroaching six feet. Proposed at sixteen feet wide by sixteen feet deep, the room seems to be larger than what is necessary to create functional space. If the sunroom were reduced to twelve feet in depth, the sunroom would only encroach six-feet on the west side of the sunroom down to a two-foot encroachment on the east side. Based on the idea that the variance requested is not the minimum amount necessary to create functional space, staff recommends that the footprint of the sunroom be reduced to sixteen feet wide by twelve feet deep. This reduction further produces an improvement that is more in-line with the rear yard setback of the existing house. Because the reduced sunroom would only encroach one more foot into the rear yard setback than the existing house and because the variance would be the minimum amount necessary to create functional space, the modified variance recommended by staff would not be contrary to the public interest.

2. **The variance is requested owing to conditions peculiar to the property and is not the result of any action taken by the applicant.** As previously noted, the rear property line is not parallel to the house placement. The house was also placed fifty-one feet back from the front property line based on a building restriction line that was imposed when the lot was approved. With the house set back fifty-one feet, only twenty feet rather than twenty-five feet separates the back left corner of the house and the rear property line. The house also appears to have been pushed towards the right side of the lot and away from the street on the right side in order to keep the back left corner of the house twenty feet away from the rear property line. Nothing within the records of the Planning office indicate how the encroachment was permitted when the house was constructed. The existing encroachment by the house and the odd relationship between the house and the property lines are conditions peculiar to the property that are not the result of any action taken by the applicant.



3. **A literal enforcement of the Ordinance will result in practical difficulty.** The existing house's rear yard setback ranges from twenty feet to thirty-four feet from the rear property line. The staff recommended modified variance would place the sunroom nineteen feet away from the rear property line at its closest point. This would result in an encroachment of six feet on one side of the sunroom and two feet on the other. Another way to look at the staff recommended version of the sunroom is that it would encroach only one foot closer to the rear property line than the original back left corner of the house. A literal enforcement of the Ordinance would result in practical difficulty if the minimal amount of variance needed for the staff's modified proposal were not approved. Without a variance it would only be possible to place a six-foot deep addition onto the back of this house. There is also no other location where a sunroom could be placed onto this house due to the interior circulation within the house and an existing fireplace and chimney on the right side of the house that would block any connection from that side of the house to an addition.

Based on the above, staff recommends modified approval of Variance Application APP2009-00898, subject to the conditions noted.

NOTIFICATION

Notices about the public hearing were sent to 287 residences, including those that are legally required.

Attachments.



City of Rockville
 Dept. of Community Planning & Development Services
 Planning Division
 111 Maryland Ave. • Rockville, MD 20850-2364 • 240-314-8200
 www.rockvillemd.gov

APP

APPLICATION FOR ADMINISTRATIVE APPEAL OR ZONING VARIANCE

APPEAL VARIANCE

PROJECT IDENTIFICATION: Screened Porch Addition

Application is hereby made with the Board of Appeals of Rockville for approval of a Administrative Appeal or Zoning Variance for the property described below:

PLEASE PRINT CLEARLY OR TYPE	PROPERTY ADDRESS		
	NUMBER, STREET & ZIP		
	SUBDIVISION	LOT	BLOCK
	ZONING	TAX ACCOUNT NO.	PROPERTY SIZE (in square feet)
	*8 Leonard Ct Rockville MD 20850		
	Markwood	26	
		00144763	10,184
APPLICANT*	MAILING ADDRESS - NUMBER, STREET CITY STATE ZIP		
	FIRST	*8 Leonard Ct, Rockville MD 20850	
	LAST	H.(301)762-3272 bhc.eia@verizon.net Fax: (301) 258-2669	
PROPERTY OWNER	FIRST	Same as	
	LAST	above	
ARCHITECT Registration #	COMPANY		
	LAST	FIRST	
ENGINEER/ OTHER Registration #	COMPANY		
	LAST	FIRST	
	JWK Contracting Inc		
	Katzenberger	Jim	

* A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner

I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understand all procedures for filing this permit.

Signature of Applicant Betty H Creamer

TO BE COMPLETED BY THE PLANNING DIVISION	
Application #:	<u>APP2009-00898</u>
Staff Reviewer:	<u>MMH</u>
Target Planning Board of Appeals	
Public Hearing Date:	<u>OCT 4, 2008</u>

Received by:	<u>MMH</u>
Date:	<u>8/11/08</u>
Total fee: \$	<u>220</u>

See reverse side

VARIANCE APPLICATION DETAILS

The following information is required as part of a variance application:

- A. From what Zoning Ordinance requirement(s) is the variance(s) requested? (State specific Ordinance(s) requirement(s), i.e. setback height, area, etc.) The 25-foot setback from the rear property line
- B. Please describe the exact amount of variance(s) requested (in feet/inches, area, etc.) 10 feet from the narrowest, & 6 feet from the widest
- C. This variance is requested in order to (describe what you want to build) a screened porch extending from the family room

VARIANCE APPLICATION DEFINITION COMPLIANCE

- A. The Board cannot grant a variance unless the definition for a variance is met. The Zoning and Planning Ordinance defines a variance as follows: "A modification only of density, bulk or area requirements in the Zoning and Planning Ordinance where such modification will not be contrary to the public interest; and where owing to conditions peculiar to the property and not the result of any action taken by the applicant, a literal enforcement of this Chapter would result in practical difficulty."
- B. A list of all prior applications and those currently in effect filed within the last three (3) years in connection with these premises.

Application Number	Date	Action Taken
_____	_____	_____
_____	_____	_____
_____	_____	_____

- C. Mailing labels identifying all the affected property owners as shown in the official tax records for the project located within 200 feet of the boundaries of the subject property must accompany this application. These labels must be formatted in Avery® style #5660 or submitted on Win95/98 formatted diskette formatted to word text standards.

Answers to the following questions must be full and complete. If more space is need, attach additional pages:

1. Explain why the granting of the variance:

(a) Is necessitated by conditions unique to the property The lot is a pie-shaped wedge off a court with a very narrow rear-facing space.

(b) Will not be contrary to the public interest or injurious to the neighborhood The porch would actually provide much needed privacy between this property and my neighbor to the rear.

2. Explain why not granting the variance would result in practical difficulty in the use of the property

In addition to adding living space to the family room, the porch would replace a deteriorating concrete patio and small deck and provide much-needed protection from mosquitoes which prohibit the use of the back yard altogether.

APPEALS APPLICATION ONLY

- A. Attach a copy of decision or order being appealed from.
- B. This appeal is based on Article _____, Section _____, of the Zoning and Planning Ordinance of the City of Rockville.
- C. Attach a concise statement of the facts and circumstances upon which you base your appeals.



City of Rockville
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APP

**SUBMITTAL PROCEDURES FOR
 ADMINISTRATIVE APPEALS &
 ZONING VARIANCE SUBMITTAL**

PRE-APPLICATION MEETING:

A pre-application meeting with the Development Review Committee or the Planning staff is recommended prior to filing all applications.

VARIANCE APPLICATION ATTACHMENTS

A plot plan showing how the variance will affect the surrounding properties. This plan should include the following:

1. For variance in SIDE OR REAR YARD SETBACKS, the location and existing setback measurements of all buildings on adjacent properties.
2. For variances from MAXIMUM HEIGHT LIMITATIONS, a cross section with heights of existing buildings on adjacent properties.
3. For variances in FRONT YARD SETBACK, the front yard setback measurements of all buildings on the same side of the street as the applicant's property.

VARIANCE APPLICATION PROCESSING

Each applicant needs to be aware of the following facts about the processing of this application. After reading the following information, please sign below to acknowledge your understanding.

POSTING OF SIGN:

A sign must be posted on the property to provide notification of the application to the community. The City provides this sign to the applicant with 3 days of filing. It must remain posted until the Board of Appeals takes final action on the application. An affidavit of posting must be completed to certify that the sign was posted for the required time.

INSPECTION OF THE PROPERTY:

The members of the Board of Appeals, the Planning Commission and the City staff members must be given the opportunity to physically inspect the subject property to help them reach a decision on the application. This opportunity must be granted provided a reasonable notice is given for said inspection.

REVISIONS

Revisions to the site plan or application may be made up to the filing date (40 working days before the scheduled hearing date for Residential & 60 for Non Residential). Revisions made after the closing date may result in hearing postponement and/or the re-posting of the subject property if the Planning Division or the Chairman of the Board of Appeals decides that inadequate review or notification would result from the revisions, especially if the amount of the variance is increased.

HEARING/MEETING APPEARANCE:

The applicant must be prepared to present his/her case before the Planning Commission Board of Appeals .

THE DECISION:

Submission of this application with the filing fee is not a permit. The Board of Appeals will make the final decision (Approval/ Denial/Dismissal) on this application. While the Planning Division and the Planning Commission may make recommendations to the Board on this application, these recommendations are advisory only and are not binding on the Board.

REFUNDS:

The filing fee is not refundable regardless of whether the application is approved or denied.

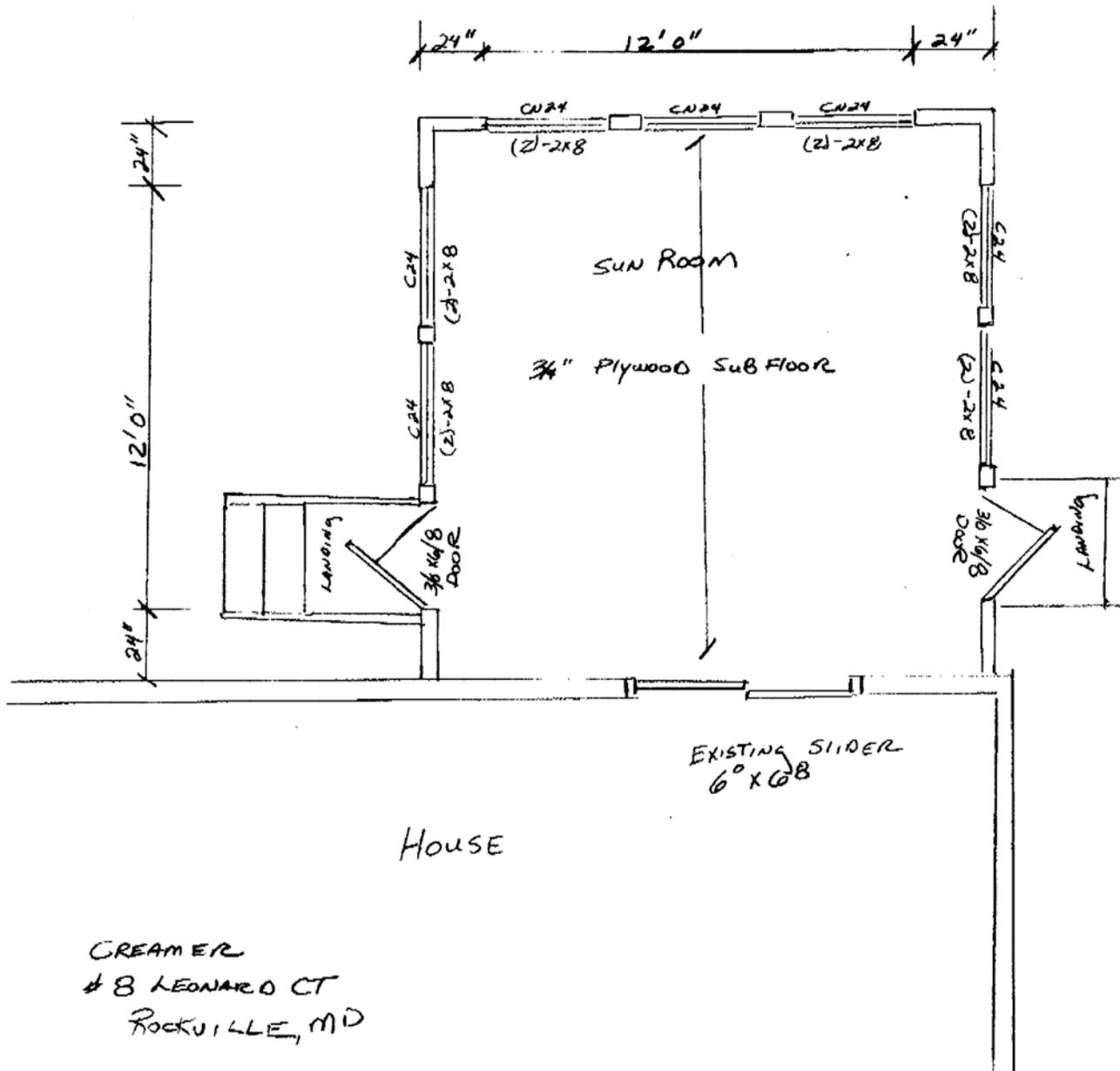
Signature of Applicant _____

Date _____

FLOOR PLAN 1/4" = 1'0"

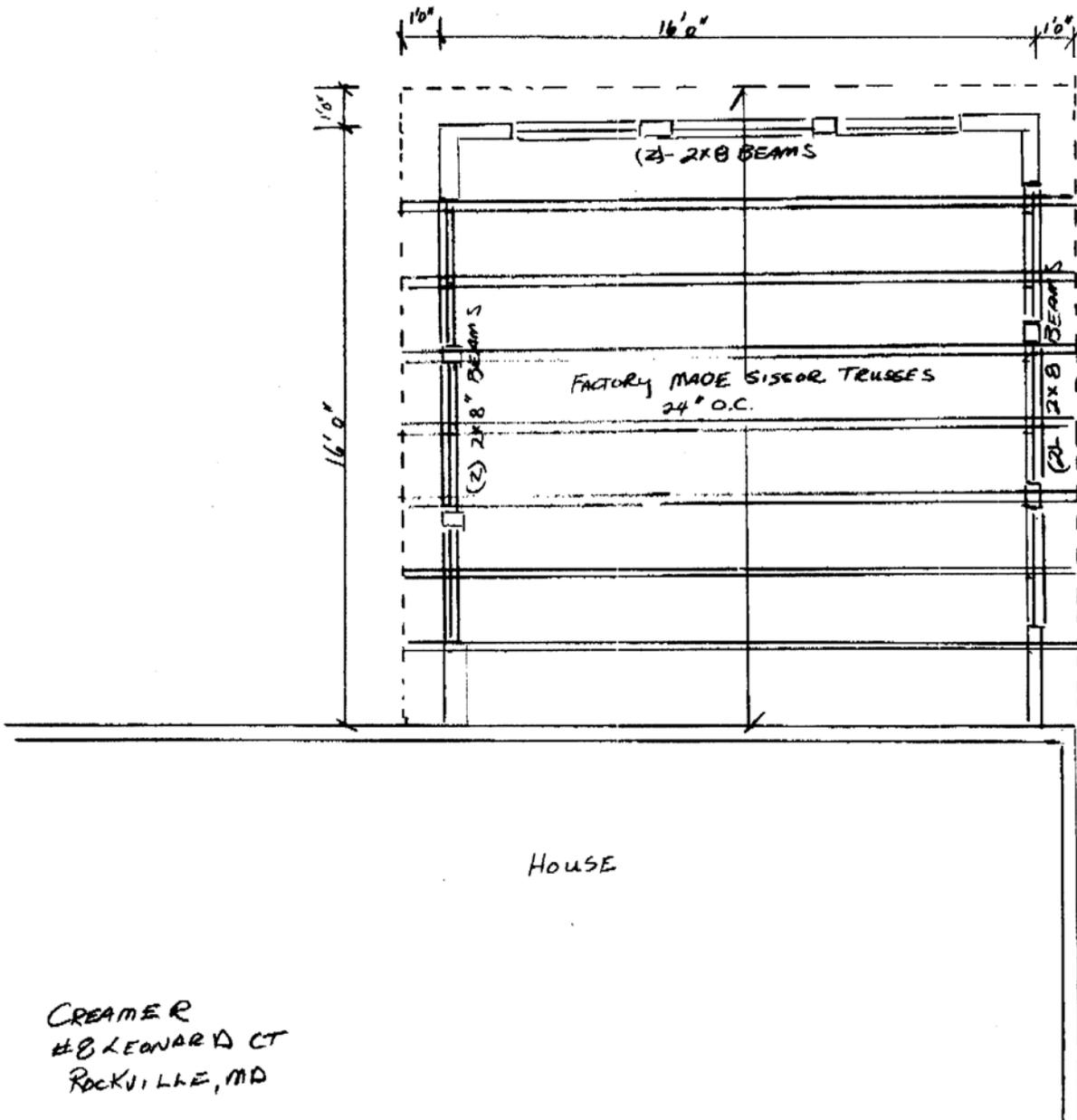
ANDERSON CASEMENT WINDOWS

- CN 24 - ROUGH OPENING 3'-5 1/4" W x 4'-0 1/2" H
- C 24 - ROUGH OPENING 4'-0 1/2" W x 4'-0 1/2" H



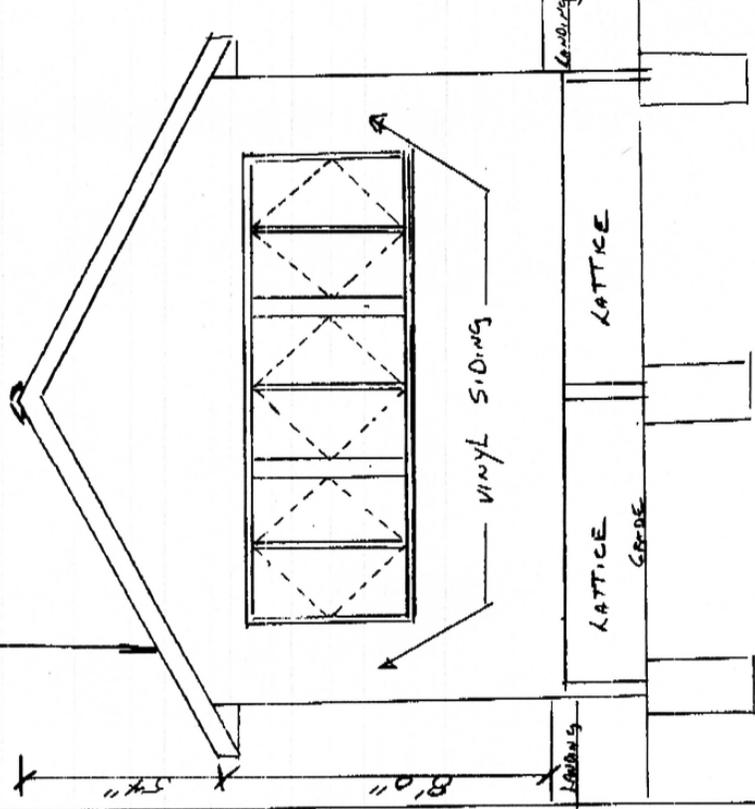
Roof Framing SUNROOM

1/4" = 1'0"

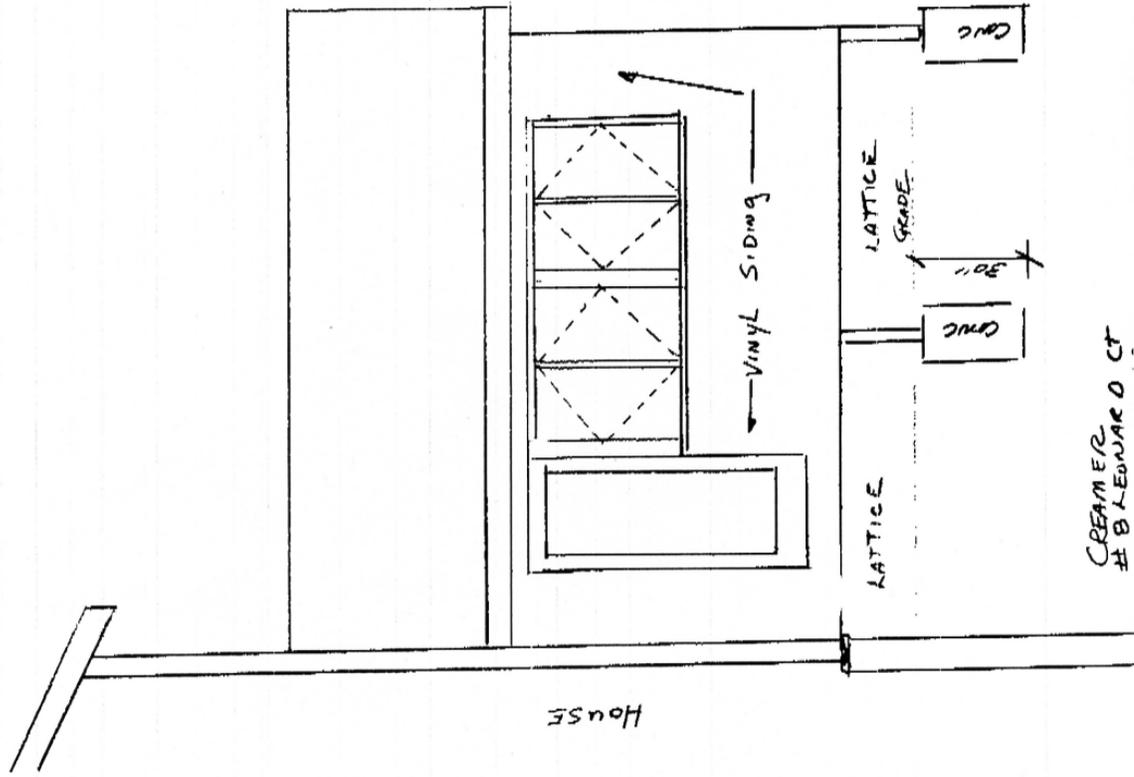


1/4" = 1'0" Sunroom

SISSOR TRUSSES 24" OC
7/16 OSB ROOF SHEATHING/CLIPS
15# FELT
30yr FIBERGLASS SHINGLES
RIDGE VENT



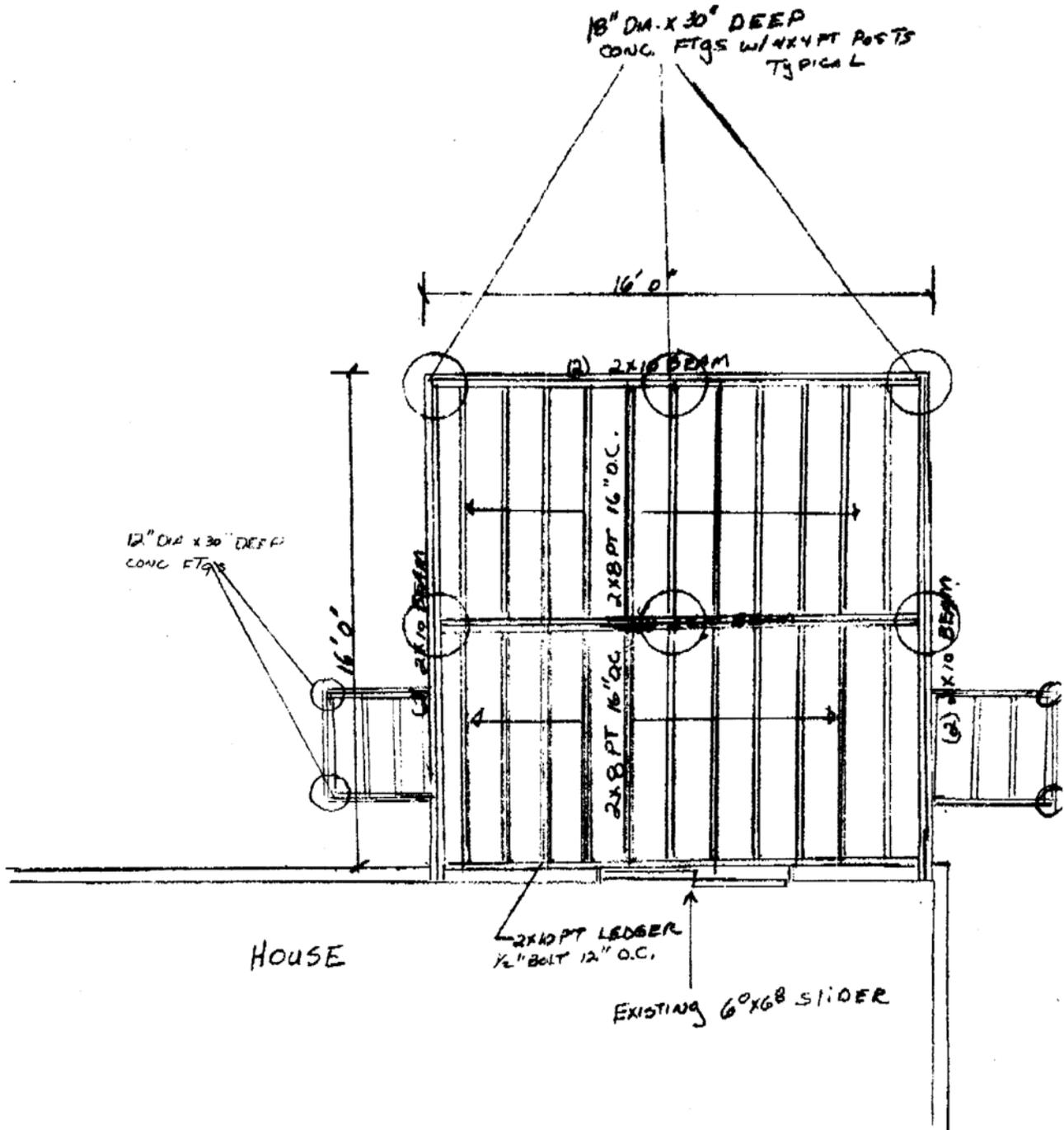
1/4" = 1'0" Sunroom



CREAMER # B LEONARD CT

FLOOR FRAMING & FOUNDATION

1/4" = 1'0"



CREAMER
#8 LEONARD CT
ROCKVILLE, MD

